

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSEPH R. ERNST,

Plaintiff,

v.

Civil Action No. 3:11cv625

**EXPERIAN INFORMATION SOLUTIONS,
INC., et al.,**

Defendants.

**DEFENDANT WELLS FARGO BANK, N.A.'S MEMORANDUM
IN SUPPORT OF MOTION TO STRIKE PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

NOW COMES defendant, Wells Fargo Bank, N.A. ("Wells Fargo"), by counsel, and pursuant to Local Rule 7(F)(3), for its Memorandum in Support of Motion to Strike the Motion for Partial Summary Judgment filed by the Plaintiff, Joseph R. Ernst ("Plaintiff"), respectfully states as follows:

1. On January 20, 2012, Plaintiff filed his Motion for Partial Summary Judgment [dkt. 40] and accompanying Memorandum in Support [dkt. 41] in this matter.
2. Local Rule 7(F)(3) provides, in pertinent part: "Except for good cause shown in advance of filing, opening and responsive briefs, exclusive of affidavits and supporting documentation, shall not exceed thirty (30) . . . pages double-spaced . . ."
3. Plaintiff's Memorandum in Support of Motion of his Motion for Partial Summary Judgment was thirty-six (36) pages long, six (6) pages longer than the thirty (30) page limit set forth in Local Rule 7(F)(3).
4. Plaintiff did not request leave of Court prior to filing his brief, nor did Plaintiff's counsel seek agreement on additional pages. Most importantly, Plaintiff failed to show (nor can

he show) “good cause” as required under Local Rule 7(F)(3) for filing a brief that exceeds thirty (30) pages.

5. Accordingly, Plaintiff’s Memorandum in Support of his Motion for Partial Summary Judgment should be stricken from the docket.

CONCLUSION

For the foregoing reasons, Wells Fargo respectfully requests that this Court grant its Motion to Strike Plaintiff’s Motion for Partial Summary Judgment from the docket as having been filed in violation of Local Rule 7(F)(3), without leave of Court and without demonstrating “good cause.”

Respectfully submitted,

WELLS FARGO BANK, N.A.

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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